FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.92 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Karwande with Kiran Makasare
for the applicant.

Mr.P.S.Hingorani APP for the State.

Coram : R.S.Mohite,J

Date : 24.2.2006.

PC

1. This application impugns the Judgment and orders of the 2 lower Courts concurrently convicting the applicant for the offence punishable under Section 304-A of IPC. I have perused both the judgment and orders. Cogent reasons are given for the conviction. The applicant was a bus driver. Spot panchanama indicates that there was a 25 ft. break marks which indicated that the bus was being driven by the applicant in a high speed. It was sought to be contended that some

of the witnesses have admitted that the front right tyre of the bus was found burst. On this basis it was sought to be argued that when the tyre was burst the bus veered out of control. Unfortunately, the applicant has not taken this stand in his 313 statement and it was not his defence in the lower Court. Record indicates that the bus crossed the divider and went on to the road on the other side of the divider and mounted on top of the Maruti Zen car killing the driver thereof. It was sought to be urged that the fine may be increased. In this case lenient sentence of 2 months is given. In my view, this is not a fit case to interfere. Hence, application is rejected.

(R.S.Mohite,J)